

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
March 20, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:52 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.

Absent: Councilor Regina Gasco Bentley

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount-Executive Assistant, Albert Colby Jr.,-Tribal Administrator, Valerie Tweedie-Chief Financial Officer, Jaime Barrientoz-Economic Development Department Director, Barry Crowell-Casino/Hotel Controller, Heidi Yapple-Grant Writer, John Espinosa-Casino/Hotel General Manager

Commission, Boards and Committees: Denise Petoskey-Election Board Chairperson, Judy Pierzynowski-Gaming Board of Directors Vice-Chairperson

Guests: Andrew Stich, Carla McFall, Edith Teuthorn, Dollie Keway, Eleanor Barber, Margaret Hughes, Deleta Gasco Smith, Marcia Sutton, Theresa Kenny, Linda Harper, Dorothy Boda, Annette Bishupski, Barbara Morgan

Opening Ceremony: Alice Yellowbank

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to adopt the agenda as amended for March 20, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the minutes of March 6, 2005 as presented.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept the Treasurer's written and verbal report as presented by Valerie Tweedie, C.F.O. for March 20, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

10:10 a.m. Councilor Rita Shananaquet leaves

10:14 a.m. Councilor Rita Shananaquet returns

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to approve the Hotline Policy and Procedures A150-00 as presented by the C.F.O. and amended during the meeting.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

10:53 a.m. recess called

11:08 a.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt the Comprehensive Budget Amendment for 2005-01.

Vote: 4 Yes, 2 No (Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.),

1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to clarify for the Tribal Membership that the budget modification just passed contains a \$6,170,837.00 for the proposed new Victories II building project.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to direct the C.F.O. to develop a new financial analysis of Victories II profit margins using new data from the first two months of Victories I expansion.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Tribal Administrator, Albert Colby Jr's, verbal and written report as presented for March 20, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Regina Gasco Bentley), 0 Abstained

Motion Carried

11:45 a.m. Public comment opened: Andrew Stich

11:47 a.m. Public comment closed

12:19 p.m. Lunch recess called until 1:45 p.m.

2:04 p.m. Meeting reconvened

2:04 p.m. Councilor Regina Gasco Bentley arrived

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to approve the Election Board By-laws as presented by Election Board Chairperson, Denise Petoskey and amended during the meeting.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to accept the Gaming Board of Directors verbal and written report as given by Judy Pierzynowski, Vice-Chairperson for March 20, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

3:14 p.m. Councilor Rita Shananaquet leaves

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #032005-01 Resolution of support for participation in the United States Department of Health and Human Services, Child, Adolescent and Family Branch of the Center for Mental Health Services and National Technical Assistance Center for Children's Mental Health of Georgetown University, 2005 Policy Academy: "Transforming Mental Health Care for Children and Families *Through Planning, Policy and Practice*"

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

3:17 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #032005-02 Request for Funding from the United States Department of Interior, Fish and Wildlife Service, Little Traverse Bay Bands of Odawa Indians Natural Resources Department Fiscal Year 2005 Tribal Wildlife Grant.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to adopt Resolution #032005-03 St Martins Island Historic Preservation Covenant.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to adopt Resolution #032005-04 Condemning the Use of Indian Likenesses or Cultural Items as Mascots Logos or Nicknames.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes
Motion Carried

3:48 p.m. recess called

4:04 p.m. meeting reconvened

4:04 p.m. Public Comment opened: David Shananaquet, Denise Petoskey

4:08 p.m. Public Comment closed

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to authorize the purchase of the 7 clan paintings including copy rights, from David Shananaquet for \$15,400 to come from General Fund, prior year balance.

4:29 p.m. recess called

4:35 p.m. meeting reconvened

Vote: 6 Yes, 1 No (Councilor Regina Gasco Bentley), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that all the 7 clan paintings being purchased from David Shananaquet will be displayed in the Tribal Council Court Room.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to place the Zoning Statute Amendment Regarding Minimum Front Set Back, on the Legislative Agenda, as sponsored by the Housing Commission.

4:43 p.m. Councilor Rita Shananaquet leaves

4:48 p.m. Councilor Rita Shananaquet returns

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

5:07 p.m. Councilor Rita Shananaquet leaves

5:10 p.m. Councilor Rita Shananaquet returns

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to adopt Waganakising Odawak Statute Application of Foreign Law as sponsored by Fred Harrington, Jr.

Motion Withdrawn

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to place Waganakising Odawak Statute Welfare of Adults, sponsored by Fred Harrington, Jr., on the Legislative Agenda.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve the 2005 Indian Housing Plan as presented by the Housing Director and authorize the Tribal Chairman to sign.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve Burial Request #A0099 in the amount of \$2,541.40.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to help sponsor the 2005 Anishinaabemowin Teg Conference being held in Sault Ste. Marie from March 31 to April 3 in the amount of \$2,000 to come from the Sponsorship line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to help sponsor the Native American Rights Fund in the amount of \$2,000 to come from the Sponsorship line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to enact Waganakising Odawak Statute Application of Foreign Law as sponsored by Fred Harrington, Jr.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to approve \$589.00 for the Little Traverse Bay Bands of Odawa Indians Enrollment Department for mailing expenses associated with the New Swipe Card System implementation with funding to come from the General Fund.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to direct the Enrollment Department to place an expiration date on Tribal Identification cards, expiring on birthdays, 5 years from date of issuance.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve funding in the amount not to exceed \$1,300 to support Chippewa Ottawa Resource Authority meeting to be held at the Chestnut Valley Golf Course as outlined in their sales contract with the Little Traverse Bay Bands of Odawa Indians Natural Resources Department. Funding to come from the Prior Year Funds.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve funding in the amount not to exceed \$1,300 to support the Phase 1/NEPA (National Environmental Policy Act) training scheduled for May 3-5, 2005 at Victories Hotel. Funding to come from Prior Year funds.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to approve the Little Traverse Bay Bands of Odawa Indians Commercial Fisher Small Grant Program Policy as amended.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to accept the Tribal Chairman's written and verbal report for March 20, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to approve the donation of a Waganakising Odawak Tribal Flag and \$500.00 to Rosebud Sioux Tribe for the Zya Ta Paha – Hill of Warriors Memorial project, funds to come from Council Sponsorships, donations line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Legal Department's verbal and written report as presented by Legal General Counsel, James Bransky, for March 20, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve the annual carryover of unspent funds for the Legal Department. Each year the Legal Department may budget for expenditure the cumulative amount of prior years appropriated and unspent funds. Any carryover funds not expended will be carried to future years indefinitely unless otherwise re-appropriated by the Tribal Council.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that even though some current private lands may not be required for settlement as that phrase is used in Article 13 of the 1836 Treaty, Little Traverse Bay Bands of Odawa Indians will not authorize its members to exercise Article 13 rights on private lands other than: (a) private lands that are open to the public for hunting, fishing, trapping or gathering under Michigan's Commercial Forest Land program or another program that requires private land to be available to the general public for hunting, fishing, trapping and gathering without permission of the owner; and (b) private lands with respect to which Tribal Members secure permission from the owner to exercise such rights. Little Traverse Bay Bands of Odawa Indians attorneys are authorized to notify other parties in the U.S. v MI litigation of this position.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

6:59 p.m. Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to adjourn.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

These Minutes have been read and approved as written:
Approved:

Dexter McNamara, Tribal Secretary

Date